

Draft IEPs

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Can the IEP Team prepare a 'Draft IEP' before an IEP meeting?

By Pat Howey

IDEA 2004 discourages the use of "draft IEPs" because they send a message that parental concerns and parental participation are not valued. Many parents object to draft IEPs because the IEP team does not make it clear that the IEP is a "draft." When parents are presented with a "draft IEP," many assume that the school members of the IEP team do not value their concerns and input about their child. IEP meetings are often too short to address the parents' concerns. Under these circumstances, it is not surprising that parents feel that the IEP team is denying them the opportunity to fully participate in the IEP process for their child.

Parents and school personnel need to share important information before the IEP meeting. This information may include draft IEPs, evaluations, and written reports prepared by the parents.

If the IEP team chooses to use a draft IEP, the team must ensure that the parents understand that the document is a draft, and is not set in stone. If the IEP team uses a draft IEP, they should provide a copy of the draft document to the parents well in advance of the IEP meeting. The parents must have enough time to give careful consideration to the recommendations in the draft IEP.

The parent should provide the school with a list of their concerns and questions before the IEP meeting so the school members of the team are prepared to address these concerns and questions. Sharing information leads to healthier working relationships between parents and school personnel -- and better IEPs for the children.

Guidance from Commentary to the IDEA 2004 Regulations

When the Education Department published the IDEA 2004 special education regulations they

included an Analysis of Comments and Changes ("Commentary") with the regulations.

In the Commentary, terms, definitions, and requirements are described in clear language. When you read a regulation, these comments will help you understand why the Department used specific language. The Commentary will help you understand the different perspectives and interpretations that can be made about a regulation.

USDE Commentary on Draft IEPs

"With respect to a draft IEP, we encourage public agency staff to come to an IEP Team meeting prepared to discuss evaluation findings and preliminary recommendations. Likewise, parents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs."

"We do not encourage public agencies to prepare a draft IEP prior to the IEP Team meeting, particularly if doing so would inhibit a full discussion of the child's needs. However, if a public agency develops a draft IEP prior to the IEP Team meeting, the agency should make it clear to the parents at the outset of the meeting that the services proposed by the agency are preliminary recommendations for review and discussion with the parents."

"The public agency also should provide the parents with a copy of its draft proposals, if the agency has developed them, prior to the IEP Team meeting so as to give the parents an opportunity to review the recommendations of the public agency prior to the IEP Team meeting, and be better able to engage in a full discussion of the proposals for the IEP."

"It is not permissible for an agency to have the final IEP completed before an IEP Team meeting begins."

(see Federal Register August 14, 2006, page 46678.)

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